

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHRISTOPHER HOWE, :
Individually, and on :
Behalf of all others :
Similarly situated, :
Plaintiff :
-vs- : CASE NO. 1:19-cv-01374
SPEEDWAY LLC AND :
MARATHON PETROLEUM :
COMPANY, :
Defendants :

Deposition of KELLI JONES, a witness
herein, taken by the Plaintiff as upon
cross-examination and pursuant to the Federal Rules
of Civil Procedure as to the time and place and
stipulations hereinafter set forth, at the offices
of Britton & Associates, 201 Riverside Drive, Suite
2B, Dayton, Ohio at 10:45 a.m., on October 1, 2019,
before Jamie S. Hurley, Court Reporter and Notary
Public within and for the State of Ohio.

* * * * *

1 WHEREUPON:

2 KELLI JONES,
3 of lawful age, a witness herein, being first duly
4 sworn as hereinafter certified, testified as
5 follows:

6 CROSS-EXAMINATION

7 BY MR. STEPHAN:

8 Q. Good morning.

9 A. Good morning.

10 Q. Can you please state and spell your
11 name for the record?

12 A. Kelli Jones, K-E-L-L-I, J-O-N-E-S.

13 Q. Good morning, Kelli. My name is Ryan
14 Stephan. I'm one of the lawyers representing the
15 plaintiffs in the Howe versus Speedway case. We're
16 here today to take your rule 30(b)(6) deposition in
17 that case. Have you ever been deposed before?

18 A. No.

19 Q. Okay. I'm going to go over a couple of
20 ground rules to try to follow just so that things
21 go smoothly, and we have a clear record, and
22 hopefully we get you out of here before too long.
23 Sound good?

24 A. Sounds good.

25 Q. First, is do your best to give clear

1 supporting our HR systems.

2 Q. Okay. So is it safe to say that you
3 added the department within Speedway, the
4 department was an HRIS department?

5 A. That is correct.

6 Q. Okay. And that was in 2016?

7 A. Yes.

8 Q. Okay. And how long did you work as
9 supervisor personnel administration in HRIS?

10 A. A year and a half.

11 Q. Okay. What was your next position?

12 A. I assumed another department that was
13 already in existence, and I became the manager of
14 HRIS, payroll, and personnel administration.

15 Q. Okay. You were manager of --

16 A. HRIS --

17 Q. Yeah.

18 A. -- payroll, and personnel
19 administration.

20 Q. Okay. And how long did you hold that
21 position?

22 A. I'm still in it.

23 Q. So you've been in that position since
24 2017?

25 A. January 1 of 2018.

1 charge of processing hire to termination, so any
2 employee movement, any minimum wage changes, et
3 cetera.

4 Q. Okay. Currently do you play any role
5 in creating the Speedway policies?

6 A. To a certain extent.

7 Q. Can you tell us what your involvement
8 is?

9 A. So we handle researching some
10 compliance for them, the many states that we are
11 in. We will work with HR advisors and
12 representatives to talk to them about those
13 compliance changes that are taking place, and then
14 it's, really that's the extent of it.

15 Q. Okay. Have you played that role at all
16 in the past three years?

17 A. Yes.

18 Q. Can you tell us what policies you
19 worked on?

20 A. We have worked on policies related to
21 promotions, demotions, laterals, store start rate
22 changes. We've worked on compliance policies for
23 different consent forms that are needed at the time
24 of hire. Consent forms needed for various reasons
25 within the different states, those types of

1 policies.

2 Q. Okay. Have you done that at all,
3 compliance regarding consent from the, have you
4 worked on the compliance regarding consent forms in
5 the State of Illinois?

6 A. Yes.

7 Q. Okay. What was that consent form
8 related to?

9 A. That consent form was related to the
10 finger scan device that we used.

11 Q. Okay. Are you talking about the
12 timekeeping device that Speedway uses?

13 A. That is correct.

14 Q. And what role did you play in preparing
15 the consent forms for that topic?

16 A. Really just working with HR
17 representation in Illinois and our attorneys to
18 look at the current policies that Speedway had in
19 place and make sure that we were remaining in
20 compliance and really more so providing a little
21 more expertise on the actual process of the finger
22 scan.

23 Q. Okay. And when did you perform those
24 functions?

25 A. We evaluated the compliance portion of

1 that in 2017.

2 Q. Do you remember what time of the year
3 in 2017?

4 A. Maybe around second to third quarter.

5 Q. Do you remember what month of the year
6 it would have been?

7 A. When we started evaluating the policy?

8 Q. Yes.

9 A. No, I don't know exactly what month
10 that was in.

11 Q. How did you first learn that you were
12 going to evaluate the consent form policies for
13 Illinois workers regarding Speedway's finger scan
14 timekeeping device?

15 A. There had been a news article related
16 to Kronos in particular that they were being looked
17 at for their finger scan devices, and that caused
18 our HR representatives and attorneys to come
19 together to just double check our compliance with
20 it.

21 Q. Okay. Do you remember who it was at
22 Speedway who identified that news article regarding
23 Kronos?

24 A. I don't know who specifically noticed
25 the article. I do know who was present in the

1 meeting.

2 Q. Okay. What meeting?

3 A. To discuss the compliance and whether
4 we were where we needed to be.

5 Q. Okay. So the article would have been
6 before that meeting; is that correct?

7 A. Yes.

8 Q. Okay. Was the article, did you ever
9 read the article?

10 A. I did not read it verbatim. I had kind
11 of hit some highlights on it.

12 Q. Okay. Do you know if the article was
13 for Kronos being sued for violations of the
14 Illinois Biometric Information Privacy Act?

15 A. Yes. That is correct.

16 Q. So do you remember who shared that
17 article with you?

18 A. I, nobody shared it with me. I take it
19 upon myself if I hear of stuff like that to go and
20 search, so I'm sure I Googled it.

21 Q. Okay. Who first shared with you the
22 news that that article existed?

23 A. That would have been our attorney.

24 Q. Who was that?

25 MR. WOLFE: So I'm, I think

1 correctly.

2 Q. Okay. Were there any materials that
3 were prepared for the meeting?

4 A. I don't believe so.

5 Q. Prior to this meeting were you familiar
6 with BIPA?

7 A. I was not.

8 Q. Do you remember when you first learned
9 about BIPA?

10 A. At this meeting.

11 Q. Okay. How was it you learned about
12 BIPA?

13 A. At this meeting.

14 Q. How is it you learned about BIPA at
15 this meeting?

16 MR. WOLFE: I think if you can
17 answer that without getting into attorney/client
18 privilege communications, you can, but if you can't
19 then don't answer. So, in other words, if Holly
20 told you about it, then I'm instructing you not to
21 answer.

22 THE WITNESS: Okay. Holly told me
23 about it.

24 MR. WOLFE: So I think we stop
25 there.

1 meeting?

2 A. No, not that I recall.

3 Q. Okay. Were there any follow up e-mails
4 sent of that meeting?

5 A. I imagine so, but I don't know
6 specifically if there were.

7 Q. Okay. You're not sure?

8 A. No, I'm not sure.

9 Q. Okay. After that meeting did you do
10 anything next to create or implement compliance
11 with consent forms?

12 MR. WOLFE: Could you say that
13 again, Ryan? We couldn't really hear you.

14 BY MR. STEPHAN:

15 Q. Yeah. I'll ask it a different way.
16 Did you take the actions after that meeting about,
17 regarding BIPA and its application in Illinois?

18 A. Did I specifically take any action?

19 Q. Yes.

20 A. No.

21 Q. Are you aware of anyone else at
22 Speedway taking a specific action?

23 A. Yes.

24 Q. Okay. What are you aware of?

25 A. We created a consent form.

1 BY MR. STEPHAN:

2 Q. No. I just want to know when the next
3 conversation, not content of, just when the next --

4 MR. WOLFE: Thank you, Ryan.

5 THE WITNESS: Honestly, I don't
6 know specifically what the date was, but it would
7 have been sometime before November.

8 BY MR. STEPHAN:

9 Q. Why do you say before November?

10 A. Because we implemented the consent form
11 in November.

12 Q. Do you know approximately how long
13 after that initial meeting that we discussed until
14 Holly created that consent form?

15 A. A month or so.

16 Q. Okay. Do you know if anyone else
17 played a role in preparing the consent form?

18 A. I mean, I don't know for sure, but I
19 would guess that Diana and her were creating it.

20 Q. Can you think of anyone else that would
21 have helped prepare this consent form?

22 A. IT may have had a role in that.

23 Q. Would that have been either Chris
24 Salley or Ryan?

25 A. Probably.

1 Q. Okay. Can you think of anyone else who
2 would have had a role in preparing that consent
3 form?

4 A. No.

5 Q. Okay. So I'm trying to get a
6 chronology here. You were made aware of an article
7 about players against Kronos questions regarding
8 BIPA in Illinois, correct?

9 A. Correct.

10 Q. Shortly thereafter there was a meeting
11 that you testified about in the conference room
12 that Speedway's headquarters, correct?

13 A. Correct.

14 Q. And then within a month or so
15 thereafter Holly Hollandsworth with the assistance
16 of Diana Anderson prepared the --

17 A. Can you repeat that?

18 Q. Sure. Within a month or so after that
19 meeting Holly Hollandsworth and Ms. Anderson
20 prepared the consent form?

21 A. Yes.

22 Q. And they shared that form with you via
23 e-mail, correct?

24 A. Yes.

25 Q. What is your current e-mail address?

1 (WHEREUPON, a recess was taken.)

2 BY MR. STEPHAN:

3 Q. We're back on the record. When we took
4 a break we were talking about Speedway's rolling
5 out of this new BIPA consent form back in the fall
6 of 2017; do you recall that, Kelli?

7 A. Yes.

8 Q. And do you remember the date that it
9 was rolled out?

10 A. I believe it was November 1st of 2017.

11 Q. Okay. And was Ms. Anderson responsible
12 for sort of overseeing the roll out to the store
13 employees in Illinois?

14 A. Yes.

15 Q. And I think you mentioned that it
16 applied for about 5 or 600 store employees at the
17 time; is that right?

18 A. More or less.

19 Q. Okay. And they are all using
20 Speedway's timekeeping device at the time, correct?

21 A. Yes.

22 Q. And what type of device was it?

23 A. It was a finger scan device.

24 Q. Okay. And do you know who the vendor
25 was that manufactured those devices?

1 A. That was TimeLink.

2 Q. Okay. There's actually a company
3 called TimeLink, though, and TimeLink Software,
4 correct?

5 A. Yes, at the time.

6 Q. Do you know when Speedway first used
7 the TimeLink software?

8 A. I believe that that was implemented
9 between 2003, 2004.

10 Q. Does it still use it today?

11 A. No.

12 Q. When did it stop?

13 A. Are you speaking specifically in the
14 State of Illinois?

15 Q. Yes.

16 A. 2018.

17 Q. Do you remember when in 2018?

18 A. No, I don't because that was a phased
19 roll out in different divisions, went live at
20 different times throughout the year.

21 Q. Okay. So for the State of Illinois
22 would you agree that that software used for
23 timekeeping devices between 2003 or 2004 and then
24 2018 was TimeLink?

25 A. Yes.

1 Q. Have we exhausted that basis?

2 A. Yes.

3 Q. Okay. You also mentioned that another
4 basis of documentation, I think, from Kronos; is
5 that right?

6 A. Yes.

7 Q. What documentation are you referring
8 to?

9 A. They have information, published
10 material about their specific software and hardware
11 devices that they use.

12 Q. Can you think of the name of those
13 publications?

14 A. No.

15 Q. Do you remember when you first saw
16 those documents?

17 A. No.

18 Q. Okay. Do you have any other basis for
19 your testimony that the timekeeping devices used by
20 Speedway don't take actual pictures of user's
21 fingerprints?

22 A. No.

23 Q. Okay. You would agree, though, that at
24 least up until any changes that Kronos or, I'm
25 sorry, that Speedway made in 2018 that employees

1 would clock in and out by putting their finger on
2 the timekeeping device, correct?

3 A. Yes.

4 Q. And you would agree that before that
5 they could clock in and out they would have to be
6 enrolled in that timekeeping device, correct?

7 A. Yes.

8 Q. And to do so Speedway would collect
9 those user's fingerprints, correct?

10 A. I would say that Speedway collected a
11 code that was assigned to a scan of match points of
12 an employee's finger.

13 Q. Okay. Let's break this down. Have you
14 ever personally been involved in an enrollment of
15 an employee in Illinois into the timekeeping
16 device?

17 A. No.

18 Q. Do you have any personal knowledge
19 about how that occurs?

20 A. Yes.

21 Q. What is your personal knowledge?

22 A. When an employee begins employment at
23 the store, the manager takes them to the clock.
24 The employee places their finger on the scanner.
25 That scanner immediately creates an alphanumeric

1 Q. Yeah. Can they put the top of their
2 finger, like their fingertips?

3 A. I believe they could. I'm not sure if
4 it could assign a code to that.

5 Q. Is that consistent with Speedway's
6 process of enrolling new employees that are
7 permitted the top of their finger on the scanner
8 when they are rolling their fingerprint in the
9 timekeeping device; is that permitted?

10 A. If it allows the employee to have the
11 scan completed and the code created, then we would
12 allow it.

13 Q. Does it?

14 A. Not to my knowledge.

15 Q. Okay. So they are required to place
16 the pad of their finger, correct?

17 A. Yes.

18 Q. Or where their fingerprint is, right?

19 A. The pad of their finger, yes.

20 Q. Yeah. Would you agree with me, I mean,
21 it's not rocket science, the pad of your finger to
22 yours, that's where your fingerprint is, correct?

23 A. Sure.

24 Q. Okay. And that's the part of your
25 finger that Speedway required store employees in

1 Illinois to scan when they are enrolled in a their
2 timekeeping system, correct?

3 A. Normally.

4 Q. What do you mean normally?

5 A. I know of occasions where there's been
6 other images with match points that were converted
7 to this code that was outside of the finger.

8 Q. What do you mean?

9 A. There was a specific case that I had
10 talked to my manager about where employees no
11 longer had said fingerprint or pad on their finger,
12 and so we would collect the scan of the palm, a
13 point on the palm that would create match points to
14 that that would be able to create a code.

15 Q. Okay. So would you agree that outside
16 of those circumstances where an employee either
17 doesn't have a fingerprint or there's some problem
18 with their fingerprint that prevented them from
19 using that to enroll themselves into the
20 timekeeping device Speedway would have them use
21 their hand instead; is that correct?

22 A. Or manually.

23 Q. What do you mean manually?

24 A. Employees, if they did not want to
25 provide the scan or if they couldn't provide a scan

1 code was based on the employee's finger scan?

2 A. Yes.

3 Q. So before a code can be created, the
4 employee had to scan his or her finger on the
5 timekeeping device, correct?

6 A. Yes.

7 Q. And that code would then be used to
8 identify the users when they clock in and out on
9 Speedway's timekeeping device using their finger,
10 correct?

11 A. Yes.

12 Q. By the way, how long have the Kronos
13 devices been used by Speedway stores in Illinois?

14 MR. WOLFE: Objection. Asked and
15 answered. You can answer it.

16 THE WITNESS: The clocks have been
17 used since the original rollout in 2003, 2004.

18 BY MR. STEPHAN:

19 Q. Have they always been Kronos time
20 clocks?

21 MR. WOLFE: Objection, asked and
22 answered. You can answer it again.

23 THE WITNESS: Before Kronos bought
24 TimeLink, no, they were not. They were not Kronos.

25 BY MR. STEPHAN:

1 BY MR. STEPHAN:

2 Q. Okay. And that was true up until at
3 least November of 2017, correct?

4 A. Yes.

5 Q. Okay. And during that time from 2012
6 until November of 2017 did Speedway get those
7 employees' written consent before it enrolled them
8 in the biometric timekeeping device?

9 MR. WOLFE: Object to the extent
10 it seeks a legal conclusion. You can answer it.

11 THE WITNESS: There were numerous
12 policies that employees signed off on regarding our
13 technology, but specifically for the timekeeping
14 device, no.

15 BY MR. STEPHAN:

16 Q. Okay. And prior to November of 2017
17 did Speedway inform any of its store employees of
18 their rights under BIPA?

19 MR. WOLFE: Same objection. You
20 can answer it.

21 THE WITNESS: I am not sure.

22 BY MR. STEPHAN:

23 Q. As you sit here today are you aware of
24 under, informing store employees of their rights
25 under BIPA before November of 2017?

1 A. From a written perspective, no. But
2 I'm not sure verbally.

3 Q. Prior to November of 2017 are you aware
4 of Speedway having a written policy that was made
5 available to the public establishing a retention
6 schedule and guidelines for permanently destroying
7 biometric identifiers, biometric information?

8 A. Speedway has a retention policy
9 regarding all timekeeping information.

10 Q. Okay. Do they have one regarding
11 people's fingerprints and how those fingerprints
12 were destroyed prior to November of 2017?

13 A. Not specifically, but it was also not
14 excluded.

15 Q. I'm sorry, it was also not?

16 A. Excluded.

17 Q. What policy are you referring to?

18 A. Our records retention policy.

19 Q. Is there a name for it?

20 A. Timekeeping.

21 Q. Where is that policy kept?

22 A. It's in our operations manual available
23 for anyone to see. It's also on our corporate
24 share drive.

25 Q. Okay. You say in the operation's

1 prepare for today's deposition?

2 MR. WOLFE: You can answer that
3 generally.

4 THE WITNESS: Policies.

5 BY MR. STEPHAN:

6 Q. Anything else?

7 A. Declarations.

8 Q. Anything else?

9 A. No.

10 Q. What policies did you review?

11 A. The code of conduct, the code of
12 business conduct, sorry, the personal and
13 employment information policy, the retention
14 policy, the information release policy and the
15 information system usage policy.

16 Q. Okay. Did you look at any other
17 policies?

18 A. The BIPA policy that was created in
19 2017.

20 Q. Okay. Anything else?

21 A. No.

22 Q. Okay. You also mentioned you looked at
23 declarations?

24 A. Yes.

25 Q. Whose declarations?

1 Q. Okay.

2 A. Or policy.

3 Q. Is this a form --

4 A. The BIPA policy.

5 Q. Sure. Is this a form that's prepared
6 by Holly and Diana?

7 A. Yes.

8 Q. Okay. And this is a form that would
9 have been rolled out on November 1st, 2017?

10 A. Yes.

11 Q. Okay. Do you see at the top of it it
12 says, to all Illinois stores?

13 A. Yes.

14 Q. And this was actually rolled out to
15 over 100 stores in Illinois, correct?

16 A. Yes.

17 Q. By the way, have you ever read the
18 Illinois Biometric Information Privacy Act?

19 A. No.

20 Q. Do you know who if Diana or Holly had
21 approval from anyone else before they finalized the
22 policy?

23 A. I'm sorry, can you repeat that.

24 Q. Do you know if Holly Hollandsworth or
25 Diana Anderson needed to get approval from anyone

1 A. Honestly I'm not for sure, maybe at the
2 end of 2017.

3 Q. Are you aware that Mr. Howe filed this
4 lawsuit on February 1st, 2017?

5 A. No, I'm not aware.

6 Q. You would agree that would be two
7 months before this consent form was rolled out?

8 A. Yes.

9 Q. Prior to rolling this consent form out
10 in November of 2017, did you have any knowledge
11 that a lawsuit was filed against Speedway for
12 violations of BIPA?

13 A. No.

14 Q. Do you remember how you first learned
15 about this lawsuit that brought you here today?

16 A. I don't remember the specifics of the
17 conversation, but it was brought to my attention by
18 our attorney.

19 Q. That would be Holly?

20 A. That would be Holly, yes.

21 Q. Was that face-to-face conversation?

22 A. I don't recall.

23 Q. In that first sentence it talks about
24 third party device; do you see that that, that
25 first bullet point?

1 recall his name.

2 Q. When was the last time you communicated
3 with Kostas?

4 A. That would have probably been that
5 conversation that we had when he was onsite at
6 Speedway which was several years ago.

7 Q. When was the last time you communicated
8 with the --

9 A. That would have been after the
10 evaluation of time systems for the future, so 2017.

11 Q. And who, was the rep a man or a woman?

12 A. It was a man.

13 Q. You don't remember his name?

14 A. Honestly, I really don't, I'm sorry.

15 Q. Would you agree that if we really want
16 to find out whether or not the original fingerprint
17 was to be recreated we should ask Kronos?

18 A. Yeah.

19 Q. Are you aware of any efforts by anyone
20 at Speedway to contest that statement?

21 A. No, I'm not aware of that.

22 Q. Okay. And then do you see the next
23 section it talks about effective immediately?

24 A. Yes.

25 Q. So after November 1st, 2017 would you

1 agree it was Speedway's policy to require all
2 employees including store leadership hired on or
3 after November 2nd, 2007 to require them to
4 acknowledge and sign information release form
5 during the onboarding process?

6 A. Yes.

7 Q. Current employees who are already
8 enrolled who previously enrolled before November
9 1st, 2017 were also required to sign off on this
10 consent form, right?

11 A. It does not specifically say in this
12 document they were required to sign it, but that,
13 they would need to acknowledge and sign to continue
14 to use it.

15 Q. Right. It doesn't use the word
16 require. It says they need to acknowledge and sign
17 the release, correct?

18 A. Correct.

19 Q. It then goes on at the bottom it says,
20 if you have any questions, please dial the
21 Operations One Number; do you see that?

22 A. Yes.

23 Q. What is Operations One?

24 A. The Operations One Number is one number
25 that all employees have access to for different

1 in compliance.

2 Q. When you say security, store security,
3 data security, what kind of security?

4 A. That would be more like store security,
5 employee security.

6 Q. Have you had any discussions with Scott
7 about this case?

8 A. No.

9 Q. Have you had any discussions with Scott
10 about the consent forms that were rolled out in
11 November of 2017?

12 A. No.

13 Q. And have you had any discussions with
14 Scott at all about the timekeeping devices in this
15 case?

16 A. No.

17 Q. Okay. If we continue on, actually if
18 we look before that, that is dated August 2nd,
19 correct?

20 A. Correct.

21 Q. If we go to the last page of this
22 document ending in 7444?

23 A. Okay.

24 Q. Do you see there's an August 1st, 2017
25 e-mail from Kevin Majewski; do you see that?

1 on special projects that are specific to stores.
 2 They handle communication to stores, that kind of
 3 thing.

4 Q. Okay. Is she still with Speedway?

5 A. She is still with Speedway.

6 Q. Okay. Is this how you first learned
 7 about this biometric lawsuit against Kronos?

8 A. Yes, this would be it.

9 Q. Okay. So you learned about it from
 10 Kevin, not Holly; is that right?

11 A. Yeah.

12 Q. Do you know why Kevin is inquiring
 13 about biometric clocks?

14 A. Yes, I do.

15 Q. Why is that?

16 A. Because at this time we were doing our
 17 analysis of time systems to decide on the future
 18 and what we were going go with, and so we were
 19 looking at whether or not we needed to look outside
 20 of the biometric devices.

21 Q. Okay. Was he overseeing that process?

22 A. From an operations perspective at the
 23 time, he was, he was overseeing that.

24 Q. Remind me again what was his position?

25 A. He was the program manager for ops

1 at least as of November 2017 with BIPA?

2 A. I mean, it was my understanding that we
3 were already in compliance. It was just a tool to
4 strengthen it.

5 Q. Well, what was done to ensure
6 compliance before November of 2017?

7 A. We keep our data secured. We have
8 numerous policies addressing the privacy of
9 employee data and how we do not transmit that to
10 third party vendors, employees consent to
11 understanding that we treat our employee data and
12 customer data very, very securely.

13 Q. Okay. Are you aware of anything else
14 that was done by anyone at Speedway to ensure
15 compliance with BIPA prior to November of 2017?

16 A. Not specific to BIPA.

17 Q. And when you say that data was secured,
18 what data are you referring to?

19 A. Any kind of personal information data.

20 Q. Okay. That would include biometric
21 data, correct?

22 A. That would include the code that was
23 assigned to the employee.

24 Q. Okay. That would include the data that
25 was collected by Speedway's time clocks, correct?

1 A. Yes.

2 Q. You also mentioned that there were
3 numerous policies that showed compliance, correct?

4 A. Yes.

5 Q. What policies are those?

6 A. That would be like our code of conduct,
7 code of business conduct policy, our information
8 release policy, our personal and employment
9 information policy, retention policies, those types
10 of documents.

11 Q. Did any of those policies you just
12 mentioned reference BIPA?

13 A. Not specific.

14 Q. Did any of those reference biometric
15 information systems?

16 A. Not specifically.

17 Q. Did any of those reference fingerprints
18 collected for purposes of timekeeping?

19 A. Not specifically.

20 Q. Okay. The last thing I think you
21 mentioned was employee's consent, give consent; is
22 that right?

23 A. Employee consent to understanding
24 Speedway's policy on information, yes.

25 Q. So you're talking about general

1 consent, correct?

2 A. For the code of business conduct.

3 Q. Okay. Did they have to sign off on the
4 code of business conduct?

5 A. Yes.

6 Q. Okay. And that code of business
7 conduct, correct me if I'm wrong, doesn't say
8 anything about BIPA, correct?

9 A. Not specifically.

10 Q. It doesn't say anything about
11 biometric, does it?

12 A. Not specifically.

13 Q. So the only consent that says anything
14 about fingerprints or biometric information, BIPA
15 is the one that was rolled out in November of 2017,
16 correct?

17 A. Yes.

18 Q. Do you know who Hannah Rice is?

19 A. Hannah Rice, I have heard the name. I
20 believe she was a district manager trainee a long
21 time ago.

22 Q. Do you know if she's a communication
23 supervisor?

24 A. She, you know now that you mention it,
25 she was a communication supervisor for a very, very

1 written interrogatories in this case?

2 A. I'm not sure what that is.

3 Q. Sure. Did you play any role in
4 answering questions directed to Speedway related to
5 this lawsuit?

6 A. I don't recall.

7 Q. Okay. Did Speedway, do you know if
8 Speedway received any sort of written consent from
9 Mr. Howe prior to Speedway collecting history?

10 A. We received his consent, we would have
11 received his consent on the code of business
12 conduct.

13 Q. Okay. Did, are you aware if Speedway
14 received his consent in any way regarding BIPA or
15 collection of his biometric information?

16 A. No, I do not recall.

17 Q. You don't recall or you don't know?

18 A. I'm not, I'm not sure when Mr. Howe was
19 an employee at Speedway, so I don't know if we've
20 received his consent.

21 Q. Okay. As you sit here today, you're
22 not aware of Speedway receiving his consent; is
23 that right?

24 A. Correct.

25 MR. STEPHEN: That's all the